

PATENT
Customer Number: 22,852
Attorney Docket No. 09388.0010-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Amy ARROW et al.

Application No.: 09/211,794

Filed: December 15, 1998

For: THREE COMPONENT
CHIMERIC ANTISENSE
OLIGONUCLEOTIDES

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) Group Art Unit: 1635
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) Examiner: Janet L. Epps Ford
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) Confirmation No. 9449
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JUL 09 2004

OFFICE OF PETITIONS

HAND CARRY TO: Mail Stop 313(c)
ATTENTION: Frances Hicks
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Pursuant to 37 C.F.R. § 1.313(c)(2), applicants hereby respectfully petition the Commissioner to withdraw the above-identified application from issue to permit consideration of an Information Disclosure Statement (IDS) under 37 C.F.R. § 1.97 which Applicants hereby submit together with a Request for Continued Examination (RCE) pursuant to § 1.114. Applicants also submit the required fee of \$130.00 under 37 C.F.R. § 1.17(h).

This request for withdrawal from issue of a prospective United States patent is made for the causes set forth below which constitute good and sufficient reasons for the action sought.

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Specifically, applicants seek to withdraw the prospective patent from issue to submit for the Examiner's consideration an IDS for documents that were cited in a Supplementary European Search Report ("the European Report") received after payment of the issue fee. The European Report was issued by the European Patent Office on March 31, 2004, and European counsel forwarded the Report to the undersigned in a letter dated April 22, 2004. Applicants paid the issue fee for this application on April 13, 2004. Thus, the undersigned only became aware of the Report after the issue fee was paid.


In view of the foregoing, applicants request that the application be withdrawn from issue so that the documents cited on the Report may be considered by the Examiner.

Please grant any extensions of time required to enter this Petition. If there is any other fee due in connection with the filing of this Petition, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 8, 2004

By: 
Michael R. Albrecht
Reg. No. 54,956
Customer No. 22,852

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